

#### REMARKS

This is in response to the Office Action of January 21, 2004. In that Office Action, all of the pending claims were rejected under 35 USC §102(b) as being anticipated by WO 96/40857.

By this Amendment, Claim 25, the only independent claim, has been amended. Claim 25, as now amended, recites a pre-assembled disposable fluid processing set for use in the photoactivation treatment of a biological fluid. The pre-assembled disposable set includes a first container for holding a biological fluid in a photochemical agent during photoactivation treatment. The first container is made of a material that is substantially translucent to light in the photocativating wavelength range. The pre-assembled set further includes a second container for receiving at least the biological fluid from the first container where the second container is integrally connected to the first container, and an openable flow path between the first and second containers. The pre-assembled set also includes a container with a photochemical agent temporarily contained therein. The container with the agent is adapted for joinder to a source container of biological fluid and is enclosed within an overwrap that is impermeable to the light of the photoactivating wavelength range. An openable

flow path is also provided between the first container and the container with the photochemical agent.

Finally, the pre-assembled set of Claim 25 includes an adsorbent material for removing at least one or both of excess photochemical agent and photoactivation by-products from the biological fluid.

WO 96/40857 does not expressly disclose a pre-assembled disposable processing set of a configuration as recited in Claim 25 and that includes all of the following: (1) a first container, (2) a second container, (3) a container with a photochemical agent adapted for joinder to a source container, (4) an adsorbent material and (5) pre-existing flow paths between the containers. WO 96/40857 discloses methods of processing biological fluid in the course of, or as part of, a pathogen inactivation treatment. For example, it discloses combining biological fluid with a photoactivation agent. It also discloses removal of photoactivation by-products or agent from the biological fluid post-treatment.

However, in the processes of WO 96/40857, the various containers are not pre-assembled. They appear to be connected or joined sequentially as the process is carried out. Most often, they are joined using sterile connection devices (SCD's). In contrast, the only sterile connection required with the disposable set of Claim 25 is the connection of the container

including the photoactivation agent to the source container of biological fluid. In all other respects, the elements of the set recited in Claim 25 are all pre-assembled and all integral with each other.

Thus, the "openable flow path," recited in Claim 25 is not openable by virtue of joining together two ends of tubings from two separate containers. The flow paths in the set of Claim 25 already exist in the pre-assembled set and are initially blocked, but openable.

Claim 25 has been further amended to include the subject matter of former dependent Claim 37, now canceled. Thus, Claim 25 now recites that the container including the photochemical agent is enclosed within an overwrap that is impermeable to light in the photoactivating wavelength range. Applicants respectfully submit that the Examiner's reference to the foil overwrap in WO 96/40857 is taken out of context. The overwrap described there is for the removal device "RD." The "RD" includes the adsorbent material (see page 21, lines 20-21). It is not an overwrap for the container including the photochemical agent.

For the reasons set forth above, Applicants respectfully submit that amended Claim 25 and its dependent claims are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,



Andrew G. Kolomayets  
Registration No. 33,723

COOK, ALEX, MCFARRON,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street - #2850  
Chicago, IL 60606  
(312) 236-8500